

**MEMO ENDORSED**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/6/2023

**GOTTLIEB & ASSOCIATES**  
ATTORNEYS

150 E. 18<sup>th</sup> St., Suite PHR • New York, NY 10003  
Tel (212) 228-9795 • Fax (212) 982-6284  
NYJG@aol.com

February 2, 2023

**VIA ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Fagnani v. Camp NYC, Inc.*,  
Case No.: 1:22-cv-10079

Dear Judge Caproni,

The undersigned represents Mykayla Fagnani, (“Plaintiff”) in the above referenced matter against Defendant, Camp NYC, Inc, (“Defendant”). By way of background, Your Honor Ordered the Plaintiff to file a motion to file an amended complaint that adequately alleges standing on January 12, 2023 (Dkt. 8). On January 20, 2023 the Plaintiff filed a Motion for Leave to file a Proposed First Amended Complaint supported by the accompanying memorandum of law, with exhibits thereto. (Dkts. 10-12). After consultation with Defendant’s counsel and in order to save judicial resources, the undersigned respectfully informs your Honor that it intends to file a Notice of Voluntary Dismissal without prejudice and without costs in this matter prior to a decision on the pending Motion with Your Honor’s approval.

We thank the Court for its time and attention in this matter.

Respectfully submitted,  
/s/Michael A. LaBollita, Esq.  
Michael A. LaBollita, Esq.

cc: All counsel of record via ECF

IT IS HEREBY ORDERED that Plaintiff's claims against Camp NYC, Inc. LLC are dismissed without prejudice and without costs.

The Clerk of Court is respectfully directed to terminate all open motions and to close this case.

SO ORDERED.



Date: 2/6/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE